

## DECLARATION

### Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPTICAL WAVELENGTH ROUTER** the specification of which

(Check One)

☒ is attached hereto OR

☐ was filed on \_\_\_\_\_ as United States Application Serial No. \_\_\_\_\_;  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

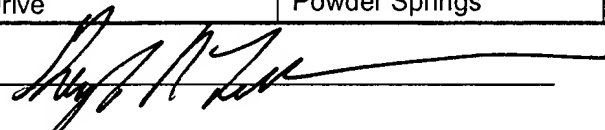
I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

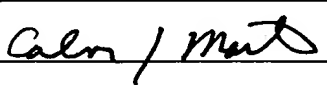
Application Number(s)	Filing Date
60/245,367	November 2, 2000
60/234,571	September 22, 2000
60/222,082	August 1, 2000
60/222,155	August 1, 2000

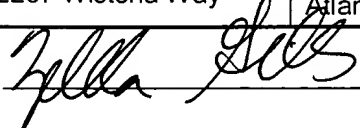
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
09/810,921		March 16, 2001	Pending
09/811,327		March 16, 2001	Pending

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Gayle	MIDDLE Initial R.	LAST Name Link	
	RESIDENCE & CITIZENSHIP	City Powder Springs	State or Foreign Country Georgia		Country of Citizenship United States of America
	POST OFFICE ADDRESS	5821 William Vernon Drive	City Powder Springs	State or Country Georgia	Zip Code 30127
INVENTOR'S SIGNATURE					DATE 5/2/01

202	FULL NAME OF INVENTOR	FIRST Name Calvin	MIDDLE Initial J.	LAST Name Martin	
	RESIDENCE & CITIZENSHIP	City Atlanta	State or Foreign Country Georgia		Country of Citizenship United States of America
	POST OFFICE ADDRESS	541 Angier Avenue	City Atlanta	State or Country Georgia	Zip Code 30308
INVENTOR'S SIGNATURE					DATE 5/2/01

203	FULL NAME OF INVENTOR	FIRST Name Zelda	MIDDLE Initial	LAST Name Gills	
	RESIDENCE & CITIZENSHIP	City Atlanta	State or Foreign Country Georgia		Country of Citizenship United States of America
	POST OFFICE ADDRESS	2257 Wisteria Way	City Atlanta	State or Country Georgia	Zip Code 30317
INVENTOR'S SIGNATURE					DATE 5/2/2001

204	FULL NAME OF INVENTOR	FIRST Name Derek	MIDDLE Initial	LAST Name Robertson	
	RESIDENCE & CITIZENSHIP	City Smyrna	State or Foreign Country Georgia	Country of Citizenship United States of America	
	POST OFFICE ADDRESS	309 Spring Heights Lane	City Smyrna	State or Country Georgia	Zip Code 30080
INVENTOR'S SIGNATURE <u>Derek Robertson</u> DATE <u>5/2/01</u>					

205	FULL NAME OF INVENTOR	FIRST Name Marcus	MIDDLE Initial W.	LAST Name Shute	
	RESIDENCE & CITIZENSHIP	City Conyers	State or Foreign Country Georgia	Country of Citizenship United States of America	
	POST OFFICE ADDRESS	3221 Glencree NW	City Conyers	State or Country Georgia	Zip Code 30012
INVENTOR'S SIGNATURE <u>Marcus W. Shute</u> DATE <u>07 May 2001</u>					

Applicant or Patentee: Gayle R. Link, et al.  
Serial or Patent No.: To be assigned  
Filed or Issued: Herewith  
For: OPTICAL WAVELENGTH ROUTER

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: LUXCORE NETWORKS, INC.  
ADDRESS OF CONCERN: 1200 Abernathy Road, Suite 1200  
Atlanta, Georgia 30328

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **OPTICAL WAVELENGTH ROUTER**, by inventors Gayle R. Link, Calvin J. Martin, Zelda Gills, Derek Robertson, and Marcus W. Shute described in

☒ the specification filed herewith.  
☐ application serial number \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: TAVAN L. R. PELLET  
TITLE OF PERSON IN ORGANIZATION: GENERAL COUNSEL  
ADDRESS OF PERSON SIGNING: 1200 ABERNATHY ROAD SUITE 1200  
ATLANTA GA 30328

Signature

Tavan L. R. Pellet

Date MAY 7, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: Gayle R. Link, et al.

Serial No.: To be assigned

Filed: Herewith

For: OPTICAL WAVELENGTH  
ROUTER

)  
) Group Art Unit: To be assigned  
)  
) Examiner: To be assigned  
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GRANT OF POWER OF ATTORNEY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

As representative of the assignee of an entire interest in the above-identified application, the undersigned hereby appoints as attorney for the assignee herein, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, John M. Benassi, Reg. No. 27,483; Richard L. Blaylock, Reg. No. 43,503; Bradford J. Duft, Reg. No. 32,219; Jeffrey W. Guise, Reg. No. 34,613; Lee Hsu, Reg. No. 39,716; Kurt M. Kjelland, Reg. No. 41,901; David Kleinsmith, Reg. No. 40,050; Stephen S. Korniczky, Reg. No. 34,853; Edward O. Kreusser, Reg.

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL675945425US  
Express Mail Label No.

May 10, 2001  
Date of Deposit

JEFF BENO  
Name of Person Mailing Paper

Signature of Person Mailing Paper

No. 38,523; Alma Levy, Reg. No. 43,751; F.T. Alexandra Mahaney, Reg. No. 37,668; Peter R. Munson, Reg. No. 43,821; Douglas C. Murdock, Reg. No. 37,549; Vicki G. Norton, Reg. No. 40,745; Douglas E. Olson, Reg. No. 22,798; Richard H. Pagliery, Reg. No. 44,276; John Peterson, Reg. No. 45,894; Jonathan Pettit, Reg. No. 40,770; Andrew D. Skale, Reg. No. 44,338; Franklin D. Ubell, Reg. No. 27,009; Peter D. Weinstein, Reg. No. 43,251; Anatoly Weiser, Reg. No. 43,229; and Jessica R. Wolff, Reg. No. 37,261 of Brobeck, Phleger & Harrison LLP, 12390 El Camino Real, San Diego, California 92130; telephone (858) 720-2500.

Respectfully submitted,

LUXCORE NETWORKS, INC.

Dated: MAY 7 2001

By: Tavan L. R. Pechet

Name: TAVAN L. R. PECHET

Title: GENERAL COUNSEL  
as Representative for Luxcore Networks,  
Inc.

**LUXCORE NETWORKS, INC.**  
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